

Appln. No. 10/602,288

Docket No. 200-80

Amendment

Reply to Final Office Action dated March 18, 2005

**REMARKS**

The foregoing amendments and these remarks are in response to the Final Office Action dated March 18, 2005. This amendment is timely filed.

At the time of the Office Action, claims 1-14 were pending in the application. In the Office Action, claims 1-14 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below. New claim 15 is added herein to present further definitions of the invention, and authorization is hereby given to charge the appropriate fee for the new independent claim to Deposit Account No. 50-0951.

**I. Claim Rejections on Art**

Claims 1-10 and 12-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 19731305A1 (DE '305) in view of U.S. Patent No. 4,475,266 to Suska ("Suska"). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over DE '305 in view of Suska as applied to claim 1, and further in view of U.S. Patent No. 5,542,505 to Kempf.

Prior to addressing the rejections on art, a brief review of claim 1 is believed appropriate. Claim 1 relates to a clearance free hinge for an automotive vehicle seat. The seat comprises a first hinge arm and a second hinge arm, each hinge arm having a bore. The bore of the first hinge arm comprises a retaining zone and a compensation zone located one behind the other. The compensation zone has greater radial inner dimensions than the retaining zone. Further, the compensation zone is defined by an inner lining and a step. The step is oriented substantially in a radial direction and is contiguous to the retaining zone. There is a hinge pin that extends through the bores and a shim member that rests against the inner lining, the step and the hinge pin. The shim member, during assembly of the hinge, is pushed axially toward the step whereby the shim member deforms and fills out any space between hinge pin, step and inner lining.

Turning first to DE '305, Applicant respectfully submits that DE '305 does not teach a retaining zone. Lines 4 and 5 of paragraph 2 of the Office Action define the retaining zone as the leftmost portion of the bore, with a constant diameter 16. The compensation zone is alleged to be

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the right hand portion of the bore in the figures, having reference numeral 17, and is alleged to be defined by an inner lining. However, DE '305 teaches something different, and in fact item 17, the right hand portion, is a bezel.

In DE '305 the hinge has an element reducing play, which at least partly reaches into an annular gap between a pin and a bearing bush. The bezel is mentioned as a preferred embodiment in col. 2, lines 47-54, which states that the bearing bush preferably has a bezel with a conical wall, whereby the insertion of the shim member can be performed with more ease, is better balanced and centric, and a non-axial position of the shim is avoided.

DE '305 teaches that the bezel is only an entry portion of the annular gap and does not refer in any way to the shim member filling this entry portion without reaching into the annular gap. DE '305 further does not teach any retaining zone. DE '305 only teaches a compensation zone which may or may not be equipped with a bezel. The annular gap of DE '305 is clearly shown in all figures and is certainly much larger than it would be if a retaining zone was intended between bearing bush 2b and pin 4b.

DE '305 teaches that the shim member positively enters into the left hand part of the bore. Shim member 9 clearly extends into the cylindrical gap, i.e. into the annular gap around pin 40, in the amount to be expected. If Fig. 2 is sufficiently enlarged the small portion of the shim member extending into the cylindrical gap can be better recognized. The teaching of DE '305 clearly stands against an interpretation that the annular gap (the leftmost part of the bore, where the bore is cylindrical) should not receive the shim member. DE '305 teaches that this leftmost part does not receive the shim member.

Suska does not relate to a hinge which is clearance free, especially not in a radial direction. In Suska, the bushings 28, 40 are not forced against the transverse annular shoulder portions (col. 2, lines 50-52). The pintle 20' is even unscrewed a fraction of a turn (see col. 4, line 45). Suska does not teach or suggest any abutting of the bushings 28, 40 against the shoulder portions, or even deformation. Thus, in Suska the shim member is not axially loaded toward the step and is not supported during axial load.

For the foregoing reasons, the subject matter of the independent claims is not taught or

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suggested by DE '305 or Suska, either singly or in combination, and these claims are believed allowable. The dependent claims are believed allowable because of their dependence upon allowable base claims, and because of the further features recited.

**II. Conclusion**

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: 6-20-05

J. Rodman Steele, Jr.  
Registration No. 25,931  
Mark D. Passler  
Registration No. 40,764  
**AKERMAN SENTERFITT**  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000

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